

Claim One – Fraud (Against Tomicic and McCambridge)

1. Did Defendant Tomicic and/or Defendant McCambridge make a representation of fact?
(Select “yes” or “no” for each defendant)

Tomicic:	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
McCambridge:	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

If the answer to question 1 is YES for both defendants, move on to question 2. If the answer is YES for only one defendant, move onto to question 2 for only that defendant. If the answer to question 1 is NO for both defendants, do not move on.

2. Was the representation false? (Check one for each defendant)

Tomicic:	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
McCambridge:	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

If the answer to question 2 is YES for both defendants, move on to question 3. If the answer is YES for only one defendant, move onto to question 3 for only that defendant. If the answer to question 2 is NO for both defendants, do not move on.

3. Did the Defendant Tomicic and/or Defendant McCambridge know that the representation was false, or did the Defendant Tomicic and/or Defendant McCambridge make the representation recklessly without regard to whether it was true or false? (Select “yes” or “no” for each defendant)

Tomicic:	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
McCambridge:	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

If the answer to question 3 is YES for both defendants, move on to question 4. If the answer is YES for only one defendant, move onto to question 4 for only that defendant. If the answer to question 3 is NO for both defendants, do not move on.

4. Was the representation made to induce the Hemmerdinger Corporation? (Select “yes” or “no” for each defendant)

Tomicic:	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
McCambridge:	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

If the answer to question 4 is YES for both defendants, move on to question 5. If the answer is YES for only one defendant, move onto to question 5 for only that defendant. If the answer to question 4 is NO for both defendants, do not move on.

5. Did the Hemmerdinger Corporation justifiably rely on Defendant Tomicic's and/or Defendant McCambridge's representation? (Select "yes" or "no" for each defendant)

Tomicic: ☒ YES ☐ NO

McCambridge: ☒ YES ☐ NO

If the answer to question 5 is YES for both defendants, move on to question 6. If the answer is YES for only one defendant, move onto to question 6 for only that defendant. If the answer to question 5 was NO for both defendants, do not move on.

6. Was the Hemmerdinger Corporation damaged as a result of its reliance? (Select "yes" or "no" for each defendant)

Tomicic: ☒ YES ☐ NO

McCambridge: ☒ YES ☐ NO

If the answer to question 6 is YES for both defendants, move on to question 7. If the answer is YES for only one defendant, move onto to question 7. If the answer to question 6 was NO for both defendants, do not move on.

7. What was the monetary loss sustained by the Hemmerdinger Corporation due to this fraud?

Total Monetary Loss Sustained = \$ 2,000.00

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Claim Two – Racketeer Influenced and Corrupt Organization Act (RICO) 18 U.S.C. § 1962(c) (Against all Defendants)

1. Did a civil RICO enterprise exist among the defendants? (Select one)

☐ YES

☒ NO

If the answer to question 1 is YES, move on to question 2. If the answer to question 1 is NO, do not move on.

2. Did the enterprise affect interstate or foreign commerce? (Select one)

☐ YES

☐ NO

If the answer to question 2 is YES, move on to question 3. If the answer to question 2 is NO, do not move on.

3. Was a defendant associated with the enterprise? (Select “yes” or “no” for each defendant)

Earth Technology: ☐ YES

☐ NO

Frank M. Ruocco Jr.: ☐ YES

☐ NO

Boris Tomicic: ☐ YES

☐ NO

Recycle Technology: ☐ YES

☐ NO

William McCambridge: ☐ YES

☐ NO

If the answer to question 3 is YES for all defendants, move on to question 4. If the answer is YES for only certain defendants, move onto to question 4 for only those defendants. If the answer to question 3 was NO for all defendants, do not move on.

4. Did a defendant engage in a pattern of racketeering activity? (Select “yes” or “no” for each defendant)

Earth Technology: ☐ YES

☐ NO

Frank M. Ruocco Jr.: ☐ YES

☐ NO

Boris Tomicic: ☐ YES

☐ NO

Recycle Technology: ☐ YES

☐ NO

William McCambridge: ☐ YES

☐ NO

If the answer to question 4 is YES for all defendants, move on to question 5. If the answer is YES for only certain defendants, move onto to question 5 for only those defendants. If the answer to question 4 was NO for all defendants, do not move on.

5. Did a defendant conduct, or participate in, the conduct of the enterprise through a pattern of racketeering activity? (Select "yes" or "no" for each defendant)

Earth Technology:	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Frank M. Ruocco Jr.:	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Boris Tomicic:	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Recycle Technology:	<input type="checkbox"/> YES	<input type="checkbox"/> NO
William McCambridge:	<input type="checkbox"/> YES	<input type="checkbox"/> NO

If the answer to question 5 is YES for all defendants move on to question 6. If the answer is YES for only certain defendants, move onto to question 6 for only those defendants. If the answer to question 5 was NO for all defendants, do not move on.

6. Did the Plaintiff, the Hemmerdinger Corporation, d/b/a ATCO, suffer an injury caused by the enterprise's pattern of racketeering activity? (Select one)

☐ YES ☐ NO

If the answer to question 6 is YES, move on to question 7. If the answer to question 5 is NO, do not move on.

7. What was the monetary loss sustained by the Hemmerdinger Corporation due to this violation of 18 U.S.C. § 1962(c)?

Total Monetary Loss Sustained = \$ _____

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Claim Three – Racketeer Influenced and Corrupt Organization Act (RICO) 18 U.S.C. § 1962(d) (Against all Defendants)

1. Was there an agreement among two or more persons to participate in an enterprise that would affect interstate commerce through a pattern of racketeering activity? (Select one)

☒ YES

☐ NO

If the answer to question 1 is YES, move on to question 2. If the answer to question 1 is NO, do not move on.

2. Did a defendant knowingly and willfully become a member of the enterprise? (Select “yes” or “no” for each defendant)

Earth Technology: ☒ YES

☐ NO

Frank M. Ruocco Jr.: ☒ YES

☐ NO

Boris Tomicic: ☒ YES

☐ NO

Recycle Technology: ☒ YES

☐ NO

William McCambridge: ☐ YES

☒ NO

If the answer to question 2 is YES for all defendants, move on to question 3. If the answer is YES for only certain defendants, move onto to question 3 for only those defendants. If the answer to question 2 is NO, do not move on.

3. Did a defendant, or another member of the conspiracy, agree to commit at least two or more racketeering acts? (Select “yes” or “no” for each defendant)

Earth Technology: ☒ YES

☐ NO

Frank M. Ruocco Jr.: ☒ YES

☐ NO

Boris Tomicic: ☒ YES

☐ NO

Recycle Technology: ☒ YES

☐ NO

William McCambridge: ☐ YES

☐ NO

Another member: _____

If the answer to question 3 is YES for all defendants, move on to question 4. If the answer is YES for only certain defendants, move onto to question 4 for only those defendants. If the answer to question 3 is NO, do not move on.

4. Did the Plaintiff, the Hemmerdinger Corporation, d/b/a ATCO, suffer an injury caused by the enterprise’s racketeering activity? (Select one)

☒ YES

☐ NO

If the answer to question 4 is YES, move on to question 7. If the answer to question 4 is NO, do not move on.

5. What was the monetary loss sustained by the Hemmerdinger Corporation due to this violation of 18 U.S.C. § 1962(d)?

Total Monetary Loss Sustained = \$ 334,766.98

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Affirmative Defense – In Pari Delicto (Against Plaintiff)

1. Did the Plaintiff, the Hemmerdinger Corporation, d/b/a ATCO, as a direct result of its own actions, bear at least substantially equal responsibility for the violations alleged in this case?

(Select one)

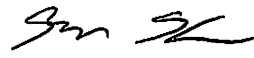
☐ YES

☒ NO

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The Jury Foreperson should date and sign this Verdict Sheet and return to the Courtroom

Dated May 6, 2016

Signed: 
Jury Foreperson